

PROB 12C
Rev 2/03

United States District Court

for

Southern District of Ohio

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **Tamara Denise Warford**

Case Number: **1:02CR00147**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott**
United States District Judge

Date of Original Sentence: **April 25, 2003**

Original Offense: **Retaliating Against a Federal Witness, in violation of 18 USC § 1513(b)(1), a Class A felony.**

Original Sentence: **226 days served, 3 years supervised release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **April 25, 2003**

Assistant U.S. Attorney: **Anthony Springer, esq.**

Defense Attorney: **Christine Y. Jones, esq.**

PETITIONING THE COURT

- ☐ To issue a warrant
- ☐ To issue an Order to Appear and Show Cause
- ☒ To grant an exception to revocation without a hearing.

Violation Number

Nature of Noncompliance

#1

Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;

On June 22, July 8, 2004, February 7, February 28, 2005, Warford submitted urine specimens which tested positive for usage of marijuana. On May 23, 2005, Warford submitted a urine specimen which tested positive for usage of cocaine. The positive urine specimens submitted in February 2005 were considered part of the same usage. Therefore, she has submitted four positive urine specimens within the same 365 day time period. Warford overall has a total of five positive urine specimens.

It should be noted, 18 USC § 3583(g)(4) requires revocation for testing positive more than three times in the same 365 day time period. However, 18 USC § 3583(d) offers an exception to the Court based on the availability of appropriate substance abuse treatment programs.

U.S. Probation Officer Recommendation:

Warford has submitted four positive urine specimens within the last year. She has struggled with regular attendance for both mental health and substance abuse treatment. However, her father is terminally ill, and could pass at anytime. Warford has been under a lot of stress due to her father's situation, and has made some poor choices. Warford has also struggled with employment, and the proposed modification could assist her in finding employment. The halfway house also provides onsite substance abuse treatment, which would also ensure Warford is getting the needed treatment.

Warford stated she benefitted greatly from the halfway house last time, though she was terminated unsuccessfully. However, this officer believes Warford has a different perspective on things at this time. This officer would like to give Warford one more chance at getting herself together before having the Court become directly involved through revocation proceedings.

This officer met with Warford about the fourth positive urine specimen, and discussed the halfway house modification with her. This officer explained in detail to Warford her rights to consult with an attorney before making any decision on the matter and to a modification hearing represented by counsel. Warford stated she understood her rights and was able to describe her rights to this officer. She stated she did not want an attorney or a hearing, and wanted to go forward with the halfway house modification. She then voluntarily signed the waiver form.

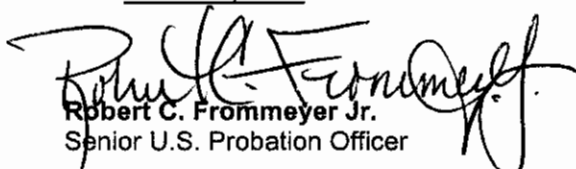
Based on the Warford's need for more structure and her agreement with the modification, this officer is respectfully recommending the Court grant the exception clause and the modification as stated below.

The term of supervision should be:


- ☐ Revoked.
- ☐ Extended for years, for a total term of years.
- ☒ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
- ☒ The conditions of supervision should be modified as follows:

The supervised releasee shall reside in a halfway house facility for a period not to exceed four months in the work release component. While in the program, the supervised releasee shall abide by all of the program's rules and regulations, participate in all required programming, and be cooperative and compliant with the program's staff.

I declare under penalty of perjury that
the foregoing is true and correct.
Executed on June 15, 2005


Robert C. Frommeyer Jr.
Senior U.S. Probation Officer

Approved,
by


John C. Cole
Supervising U.S. Probation Officer
Date: 6-16-05

THE COURT ORDERS:

- ☐ No Action
- ☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
- ☐ The Issuance of an Order to Appear and Show Cause
- ☒ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions. The Court also grants the modification as stated above.
- ☐ Other

Susan J. White
Signature of Judicial Officer

June 17, 2005
Date

Bob -

Thanks for continuing to work
with her.

SGJ

PROB 49


**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The supervised releasee shall reside in a halfway house facility for a period not to exceed four months under the work release component. While in the program, the supervised releasee shall abide by all of the program's rules and regulations, participate in all required programming, and be cooperative and compliant with the program's staff.

Witness:  Signed: Tanara Wayford
U.S. Probation Officer Probationer or Supervised Releasee

June 10, 2005

DATE